

1 MELINDA HAAG (CABN 132612)
United States Attorney
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FILED
OCT 17 2014
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

EJD

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 KRISTIN NYUNT,
15 Defendant.

) CASE NO. CR 14 00530PSG
) VIOLATIONS: 18 U.S.C. §§ 2511(1)(a) and 4(a)—
) Interception of Communications; 18 U.S.C. §
) 2512(1)(b)—Possession of Interception Device
) Transported in Interstate Commerce
) SAN JOSE VENUE
)
)
)

18 INFORMATION

19 The United States Attorney charges:

20 COUNT ONE: (18 U.S.C. § 2511(1)(a) and 4(a)—Interception of Communications)

21 From in or about 2010 to in or about 2012, in the Northern District of California and elsewhere,
22 the defendant,

23 KRISTIN NYUNT,

24 intentionally intercepted and endeavored to intercept, contemporaneously with transmission, the
25 contents of wire, oral, and electronic communication, including sensitive law enforcement
26 communication, by means of electronic and mechanical devices including spy software defendant
27 secretly installed on the mobile phone of a police officer.

28 INFORMATION

1 All in violation of Title 18, United States Code, sections U.S.C. 2511(1)(a) and (4)(a).

2 COUNT TWO: (18 U.S.C. § 2512(1)(b)--Possession of Interception Device Transported in Interstate
Commerce)

3 From in or about 2010 to in or about 2012, in the Northern District of California and elsewhere,
4 the defendant,

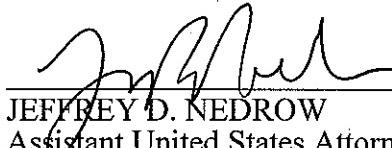
5 KRISTIN NYUNT,

6 possessed devices, namely spy software including Mobistealth, StealthGenie, and mSpy, knowing and
7 having reason to know that the design of such devices renders them primarily useful for the purpose of
8 the surreptitious interception of wire, oral, and electronic communications, which devices were
9 transported in interstate commerce.

10 All in violation of Title 18, United States Code, § 2512(1)(b).

11 DATED: 10/2/14

12 MELINDA HAAG
13 United States Attorney

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15 JEFFREY D. NEDROW
16 Assistant United States Attorney

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18 (Approved as to form: Philip A. Guentert
19 AUSA Philip A. Guentert

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

OFFENSE CHARGED

COUNT ONE: 18 U.S.C. § 2511(1)(a) and 4(a)-Interception of Communications

- Petty
 Minor
 Misdemeanor
 Felony

COUNT TWO: 18 U.S.C. § 2512(1)(b)- Possession of Interception Device Transported in Interstate Commerce

PENALTY: Maximum prison term 5 years, Maximum fine \$250,000 or twice the gross gain or loss, whichever is greater, Maximum supervised release term 3 years and \$100 special assessment

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Gail Paresa.

 person is awaiting trial in another Federal or State Court, give name of court this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocsecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE this prosecution relates to a pending case involving this same defendant prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on this form MELINDA HAAG U.S. Attorney Other U.S. AgencyName of Assistant U.S. Attorney (if assigned) PHILIP A. GUENTERT**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:** SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment



Date/Time: _____ Before Judge: _____

Comments: _____

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CR 14 00530 PSG

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges _____
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No} If "Yes"
give date
filed _____

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted